

E-filing

FILED

MAY 31 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASCOTT N. SCHOOLS (SCBN 9990)
United States AttorneyMARK L. KROTOSKI (CASBN 138549)
Chief, Criminal DivisionDEREK R. OWENS (CASBN 230237)
Special Assistant United States Attorney450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6488
Facsimile: (415) 436-7234
E-mail: derek.owens@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-0001 MAG
)	
Plaintiff,)	
)	PLEA AGREEMENT
v.)	
)	
FELICIA DANIELA PEREZ,)	
)	
Defendant.)	

I, Felicia Daniela Perez, and the United States Attorney's Office for the Northern District of California (hereafter "the government") enter into this written plea agreement (the "Agreement") pursuant to Rules 11(c)(1)(C) of the Federal Rules of Criminal Procedure:

The Defendant's Promises

1. I agree to plead guilty to the sole count of the of the captioned Superseding Information charging me with failure to maintain control of a motor vehicle in violation of Title 36, Code of Federal Regulations, Section 1004.22(b)(3). I agree that the elements of the offense are as follows: (1) I failed to maintain that degree of control of a motor vehicle necessary to avoid danger to persons, property, or wildlife; and (2) I was operating the motor vehicle within the boundaries of the area administered by the Presidio Trust. I agree that the maximum

PLEA AGREEMENT
CR 06-0001 MAG

1 penalties are as follows:

- | | | | |
|---|----|------------------------------|----------|
| 2 | a. | Maximum prison sentence | 6 months |
| 3 | b. | Maximum fine | \$5,000 |
| 4 | c. | Mandatory special assessment | \$10 |

5 2. I agree that I am guilty of the offense to which I will plead guilty, and I agree that
 6 the following facts are true: On November 26, 2005, I was driving a motor vehicle, specifically a
 7 1997 Nissan, California license plate 4MXF044, in a manner that caused it to cross over the
 8 center line multiple times. I failed to maintain that degree of control of my motor vehicle
 9 necessary to avoid danger to persons, property, and wildlife. I was operating the motor vehicle
 10 within the boundaries of the area administered by the Presidio Trust.

11 3. I agree to give up all rights that I would have if I chose to proceed to trial,
 12 including the rights to a jury trial with the assistance of an attorney; to confront and cross-
 13 examine government witnesses; to remain silent or testify; to move to suppress evidence or raise
 14 any other Fourth or Fifth Amendment claims; to any further discovery from the government; and
 15 to pursue any affirmative defenses and present evidence.

16 4. I agree to give up my right to appeal my conviction, the judgment, and orders of
 17 the Court. I also agree to waive any right I may have to appeal my sentence.

18 5. I agree not to file any collateral attack on my conviction or sentence, including a
 19 petition under 28 U.S.C. §2255, at any time in the future after I am sentenced, except for a claim
 20 that my constitutional right to the effective assistance of counsel was violated.

21 6. I agree not to ask the Court to withdraw my guilty plea at any time after it is
 22 entered, unless the Court declines to accept the sentence agreed to by the parties. I agree that the
 23 government may withdraw from this Agreement if the Court does not accept the agreed upon
 24 sentence set out below. I agree that if the Court does not accept the agreed upon sentence set out
 25 below, the statute of limitations shall be tolled from the date I signed the plea agreement until the
 26 date the Court does not accept the plea agreement.

27 7. I agree to recommend the sentence set forth in Paragraph 15, below. I agree that,
 28 regardless of any other provision in this agreement, the government may and will provide to the

1 Court and the Probation Office all information relevant to the charged offenses or the sentencing
2 decision.

3 8. I agree to pay restitution for all losses caused by the offenses with which I was
4 charged and agree that the amount of restitution will not be limited to the loss attributable to the
5 offense to which I am pleading guilty. I agree that I will make a good faith effort to pay any fine,
6 forfeiture, or restitution. Before or after sentencing, I will, upon request of the Court, the
7 Government, or the U.S. Probation Office, provide accurate and complete financial information,
8 submit sworn statements and give depositions under oath concerning my assets and my ability to
9 pay, surrender assets I obtained as a result of my crimes, and release funds and property under my
10 control in order to pay any fine, forfeiture, or restitution. I also agree to pay the special
11 assessment at the time of sentencing.

12 9. I agree not to commit or attempt to commit any crimes before sentence is imposed
13 or before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial
14 release (if any); intentionally provide false information to the Court, the Probation Office,
15 Pretrial Services, or the government; or fail to comply with any of the other promises I have
16 made in this Agreement. I agree that, if I fail to comply with any promises I have made in this
17 Agreement, then the government will be released from all of its promises in this agreement,
18 including those set forth in paragraphs 12 through 15 below, but I will not be released from my
19 guilty plea.

20 10. I agree that this Agreement contains all of the promises and agreements between
21 the government and me, and I will not claim otherwise in the future.

22 11. I agree that this Agreement binds the U.S. Attorney's Office for the Northern
23 District of California only, and does not bind any other federal, state, or local agency.

24 The Government's Promises

25 12. The government agrees to move to dismiss any open charges pending against the
26 defendant in the captioned Superseding Information at the time of sentencing.

27 13. The government agrees not to file or seek any additional charges against the
28 defendant that could be filed as a result of the investigation that led to the captioned Superseding

Information.

14. The government agrees to recommend the sentence set forth in Paragraph 15 below.

Joint Sentencing Recommendation

15. The parties agree to jointly recommend the following sentence:

- a. ^{One} ~~2~~ years ^{PRO} probation;
- b. Payment of a \$500 fine; and
- c. Payment of a mandatory special assessment fee of \$10. I agree that I will pay this to the Clerk of Court on the day I am sentenced.

The Defendant's Affirmations

16. I confirm that I have had adequate time to discuss this case, the evidence, and this Agreement with my attorney, and that he has provided me with all the legal advice that I requested.

17. I confirm that while I considered signing this Agreement, and at the time I signed it, I was not under the influence of any alcohol, drug, or medicine.

18. I confirm that my decision to enter a guilty plea is made knowing the charges that have been brought against me, any possible defenses, and the benefits and possible detriments of proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or threatened me to enter into this agreement.

Dated: 5/31/07


FELICIA DANIELA PÉREZ
Defendant

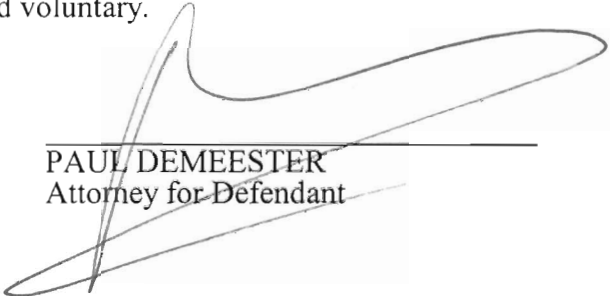
SCOTT N. SCHOOLS
United States Attorney

Dated: 5/31/07


DEREK R. OWENS
Special Assistant United States Attorney

1 I have fully explained to my client all the rights that a criminal defendant has and all the
2 terms of this Agreement. In my opinion, my client understands all the terms of this Agreement
3 and all the rights she is giving up by pleading guilty, and, based on the information now known
4 to me, her decision to plead guilty is knowing and voluntary.

5
6 Dated: 5/31/07



PAUL DEMEESTER
Attorney for Defendant